



Attorney's Docket No.: 06275-188001 / D 1576-1P US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tommy Ekstrom
Serial No. : 09/367,950
Filed : August 18, 1999

Art Unit : 1617
Examiner : Jennifer Kim
Confirmation No.: 4952
Notice of Allowance Date: July 9, 2003

Title : NEW USE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

A copy of the reference listed on the attached form PTO-1449 is enclosed. This reference was cited in a Form PTO-1449 on August 21, 2001 (Desig. ID. BM), but was not considered by the Examiner because a copy of the reference was allegedly not provided. This statement is being filed with a Request for Continued Examination.

Enclosed is a check in the amount of \$770 for the Request for Continued Examination. Any other charges or credits can be applied to Deposit Account No. 06-1050, referencing Attorney Docket No. 06275-188001.

Respectfully submitted,

Date:

October 8, 2003

Janis K. Fraser, Ph.D., J.D.
Reg. No. 34,819

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20731369.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit October 8, 2003
Signature Roberta L. Hahn

Roberta L. Hahn
Typed or Printed Name of Person Signing Certificate

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 06275-188001	Application No. 09/367,950
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Tommy Ekstrom	
		Filing Date August 18, 1999	Group Art Unit 1617

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA						
	AB						

Foreign Patent Documents or Published Foreign Patent Applications

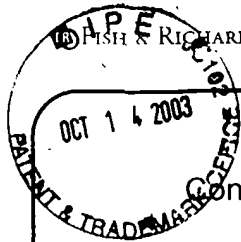
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AC							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AD	"FDA recommends easier-to-take asthma drug" Florida Today, Associate Press, November 24, 1999.
	AE	
	AF	
	AG	

RECEIVED
 OCT 16 2003
 TECH CENTER 1600/2900

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



FISH & RICHARDSON P.C.

Substitute Form PTO/SB/30 (5-03)

Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/367,950
Filing Date	August 18, 1999
First Named Inventor	Tommy Ekstrom
Group Art Unit	1617
Examiner Name	Jennifer Kim
Attorney Docket Number	06275-188001

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s)
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendment filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☒ Other PTO-1449 (1 page); cited document
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other _____
3. **Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any deficiencies
- b. ☒ Check in the amount of \$ 770 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

RECEIVED
OCT 16 2003
TECH CENTER 1600/2300
170.00

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Janis K. Fraser, Ph.D., J.D.	Registration No. (Attorney/Agent)	34,819
Signature	<i>Janis K. Fraser</i>	Date	October 8, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Roberta L. Hahn	Date	October 8, 2003
Signature	<i>Roberta L. Hahn</i>		